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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
TRUONG, LECHI	

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/895,936	PERYCZ ET AL.	
	Examiner	Art Unit	
	LeChi Truong	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14,16-19 and 21-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14, 16-19, 21-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1- 14, 16-19, 21-30 are presented for the examination. Claims 15, 20 are cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **1, 2, 4- 8, 12, 19, 21-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoshima et al (5,210,859) in view of Young (6,560,606 B1).

3. **As to claim 1**, Aoshima teaches the invention substantially as claimed including: requirement (relationship, col 2, ln 22-26), requirements for a plurality of modules (relationship of each module, col 2, ln 22-27), a inter-module diagram tree (a module relation diagram is formed which indicates a structure of an overall program and a hierarchical tree, col 2, ln 22-31/col 8, ln 10-45/col 14, ln 52-56), receiving requirements for a plurality of modules (col 2, ln 33-35), determining an inter-module dependency tree, the inter-module dependency tree being based on the requirements(col 2, ln 22-26 and ln 33-36), a module function (module, col 2, ln 22-31/col 8, ln 10-45/col 14, ln 52-56), modifying a module function in accordance with the inter-module diagram tree (col 12, ln 40-50/ ln 56-64/ col 7, ln 62-66/ col 2, ln 37-44).

4. Aoshima do not explicit disclose the word that the diagram tree is a dependency tree. However, Young teaches dependency (dependencies between them, col 3, ln 45-48).

5. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Aoshima and Young because Young' dependencies would improve the efficiency of Aoshima's system by tracking and enforcing the ordering of data processing by the processing modules.

6. **As to claim 2**, Aoshima teaches a configuration parameter (a, b and c are recognizes as arguments (parameters) of function Get_ANS which is associated with the relation tree, COL 5,L N 65-68/col 6, ln 1-10/ col 2, ln 22-31/col 8, ln 10-45/col 14, ln 52-56), an inter-module X (the module relation diagram, col 2, ln 22-31/col 8, ln 10-45/col 14, ln 52-56).

7. **As to claim 4,** Aoshima teaches associating a module command with an inter-module dependency (col 8, ln 17-25).

8. **As to claim 5**, Aoshima teaches a phase for a command of a module (function name, col 6, ln 60-65).

9. **As to claim 6**, Aoshima teaches command script (col 5, ln 63-67).

10. **As to claim 7**, Aoshima teaches associating a command of one module with a command of another module based upon an inter-module dependency (col 12, ln 40-50), col 7, ln 62-66/ col 2, ln 37-44).

11. **As to claim 8**, Asohima teaches a phase identification (function name, col 6, ln 56-68).

12. **As to claim 12**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Young teaches the invention as claimed including: a

system controller (pipeline controller 210, Fig 1A, 2, col 9, ln 51-60/Repository service 160, Fig. 1a), a configuguration manger (configuration manager 150, Fig. 1).

13. **As to claim 19**, it is an apparatus claim of claim 12; therefore, it is rejected for the same reason as claim 12 above. Further, Young teaches a network component (telephone service server, col 4, ln 65-67), a station (system processing 100, Fig. 1A, col 4, ln 46-47).

14. **As to claim 21,** Young teaches a permanent configuration database (Stage configuration files 418, Fig. 4/col 9, ln 51-63; persistent memory col 10, ln 52-56), a command line interface (operator instruction, col 10, ln 52-56), the current configuration database containing one or more configurations for the plurality of modules that are not retained when the apparatus is initialized (col 12, ln 64-67 to col 13, ln 1-5).

15. **As to claim 22,** Young teaches a server (telephone service servser, col 4, ln 65-67/ Fig. 1).

16. **As to claim 23**, Young teaches a management workstation (configuration manage 150, Fig. 1 A).

17. **As to claims 24-27**, they are apparatus claims of claims 1, 4, 6, 7; therefore, they are rejected for the same reasons as claims 1, 4, 6, 7 above.

18. Claims **3, 9-11, 13, 14, 16-18, 28 -30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoshima et al (5,210,859) in view of Young (US. Patent 6,560,606 B1), as applied to claim 1 above, and further in view of Admitted Prior Art (APA).

19. **As to claim 3**, Aoshima and Young do not teach storing a default value for a configuration parameter. However, APA teaches storing a default value for a configuration parameter (the parameter may be preserved in some form of non-volatile storage, page 1, ln 18-21).

20. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Aoshima, Young and APA because APA's the parameter may be preserved in some form of non-volatile storage would improve the efficiency of Aoshima and APA's systems by initializing modules during device start-up.

21. **As to claim 9**, Young teaches initializing a module using the inter module dependency tree (col 14, ln 46-50).

22. **As to claims 10, 11**, APA teaches initializing a module function/ reconfiguring a module function/ shutting down a module function (page 1, ln 25-27).

23. **As to claim 13**, Young teaches a current configuration database (the configuration storage 508, col 13, ln 15-22/ Fig. 5), the current configuration database containing one or more configurations for the plurality of modules that are not retained when the apparatus is initialized (col 12, ln 64-67 to col 13, ln 1-5).

24. **As to claim 14,** it is an apparatus claim of claim 13; therefore, it is rejected for the same reason as claim 13 above. In additional, Young teaches a permanent configuration database (stage configuration files 418, col 9, ln 51-63/ persistent memory, col 10, ln 52-56), a command line interface (operator instruction, col 10, ln 52-56).

25. **As to claim 16,** Aohima teaches an inter-module dependency tree (a module relation diagram is formed which indicates a structure of an overall program and a hierarchical tree, col 2, ln 22-31/col 8, ln 10-45/col 14, ln 52-56), circuitry (the tree table, col 6, ln 56-60).

26. **As to claim 17,** Young teaches a configuration parameter change request (col 10, ln 35-42).

27. **As to claim 18,** Young teaches modifying a module function in accordance with a configuration parameter change request (col 10, ln 45-51).

28. **As to claims 28-30,** they are apparatus claims of claims 9, 10, 11; therefore, they are rejected for the same reasons as claims 9, 10, 11 above.

Response to the argument:

29. Applicant amendment filed on 9/30/2004 has been considered but they are not persuasive:

Applicant argued in substance that :

(1) " Aoshima is not concerned with the dynamic operation of a program".

(2) " Ashima does not provide for modifying a module function in accordace with inter-module tree".

30. Examiner respectfully disagreed with Applicant's remarks:

As to the point (1), the limiatation "the dynamic operation of a program" was not in the claims.

As to the point(2), Ashima teaches a calling relationship of a function corresponding to the relation diagram(col 7, ln 62-65), the functions corresponding to the branches in the module reation diagram are executed a pluratily of times . An example of the module relation diagram in

which a function "A" calls function B and E, and the function B futher calls functions C and D, col 12, ln 40-47/ the execution reports produces every time the respective functions are called are arranged in the calling order... in respective branches on the relation diagram(col 12, ln 56-65). The specific defines mofify configuration parameters for a module function by intiating module conmands in a sequence based upon the inter-module dependency tree. Ashima teaches the calling the sequence relationship of module function corresponing the relation diagram.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR of Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

July 1, 2005

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